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State treasurer: Moving marijuana oversight would dump months of work

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One legislator and the state treasurer are going head-to-head over recreational marijuana, in a fight over the regulatory structure that has put the fate of the industry in limbo.

The debate has largely centered on who should oversee the Cannabis Control Commission, a group of three regulators that would oversee the whole industry. Under the ballot, passed by voters in November, the commission is contained within the treasurer's office.



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Massachusetts Treasurer Deborah Goldberg

Although State Treasurer [Deb Goldberg](#) has already started the work to hire commissioners and contract with a vendor for a marijuana-tracking system, legislators have put that work on hold and now want to reassess who would have oversight.

“I don’t know why some people thought the regulatory structure was immune from our review,” said state Rep. [Mark Cusack](#), who is co-chairing a legislative committee on recreational marijuana. “But being mindful that the marijuana industry wrote the (ballot) question, since when do we allow a regulated business to choose how and by whom it’s regulated?”

But to Goldberg, a significant amount of work has been completed by Goldberg's staff since marijuana legalization was put on the ballot. All that work will be thrown out if the oversight is moved from treasurer's office.

The treasurer’s office has focused its staff on developing expertise, creating relationships with experts in other states, and creating the regulatory structure. Two high-level staffers traveled to Washington and Colorado to meet with regulators and attend a conference on cannabis. Other staff members have worked to develop job descriptions, and created a website with answers to frequently asked questions.

Beyond those hundreds of hours of work and thousands of miles of travel, staff from the treasurer's office have embarked on one big task: finding a vendor for seed-to-sale tracking and licensing software. It took one staffer approximately two months to compile the information necessary to create a request for qualifications document, which included security protocols and details of how the department would rate responses.

The request for qualifications was sent out on Oct. 25 and closed Dec. 21. It was another three months before the department's staff had gone through all the submissions and selected 12 vendors that could compete in a request for proposal.

Because of state laws, the seven-month procurement process started under the treasurer would have to be redone if it's moved to a different agency, and all the groups that the state has been working with would reapply.

That’s not to mention the time the treasurer’s staff spent developing a budget for oversight, a process that took a month of back-and-forth conversations between staff, the treasurer’s chief financial officer, and experts in other states, staff said.

“We have done an enormous amount over 16 months,” Goldberg said. “Candidly that can’t be recaptured. That’s experience built upon already having had experience in a controlled substance (in overseeing the Alcohol Beverage Control Commission).”

Cusack said he hadn’t heard from the treasurer about the work undertaken, though Goldberg said a staffer reviewed the budget, and by extension the work done, in a two-hour meeting.

Regardless, Cusack said the aim of the legislative debate about marijuana oversight was to avoid the delays and headaches the state experienced when implementing medical marijuana. Though

Goldberg said work to hire commissioners and start the software procurement process has been put on hold, Cusack said it was necessary, going as far as to write a letter to Administration and Finance contesting Goldberg's recent request for funding.

"Let's not go spending this in hiring and appointing people before we make the decision of how it will be regulated," he said. "My paramount concern is putting the proper structure in place."

But as the clock ticks closer to the April 1, 2018 deadline to accept recreational marijuana licenses, Goldberg's concerns remain.

"If this leaves treasury, and if that's what they decide, it will take a very long time for them to get up and running," Goldberg said. "And if they rush it, because they are concerned about the length of time, so many things could go wrong."

Jessica Bartlett covers health care, including hospitals, health IT, health policy and insurance, as well as the beer and marijuana industries.